

## **REMARKS**

Claims 1, 42 and 86 are canceled herein without prejudice. Applicants expressly reserve the right to pursue non-elected subject matter in one or more applications that may claim priority hereto.

Claim 2 is amended herein. No new matter has been added by the amended claim, as support is found throughout the application as originally filed. Specifically, support for the amended definition of Ar can be found in paragraph [0019], the compounds listed in Example 11, and in claim 42 as originally filed.

Presently claims 2-41, and 43-85 are pending in this application.

In view of the foregoing amendment and the following remarks, reconsideration of the application and favorable action are respectfully requested.

### **Information Disclosure Statement**

Applicants thank the Examiner for including an initialed copy of the Form PTO/SB/08 filed with the Information Disclosure Statement (IDS) dated June 30, 2004. Applicants request that the Examiner consider and make of record the additional reference listed on the IDS submitted herewith by returning to Applicants a copy of Examiner-initialed Form PTO/SB/08.

### **Oath/Declaration**

The Examiner found a deficiency with the inventor declaration because it was allegedly not executed in accordance with either 37 C.F.R. 1.66 or 1.68, since inventor Susana C. Ceide did not include the date upon which she signed the declaration. Applicants hereby submit a replacement inventor declaration by Susana C. Ceide in accordance with 37 C.F.R. 1.68 which is signed and dated. Withdrawal of this ground of rejection is respectfully requested.

### **Election/Restriction**

The Examiner restricted the claims into the following groups: Group I (claims 1-66); Group II (claims 67-72); Group III (claims 73-82); Group IV (claims 83-85); and Group V (claim 86).

In a phone conversation with Barry S. Wilson on September 26, 2006, Applicants made a provisional election with traverse of Group I, claims 1-66 and species Compound No. 5 in

Example 11. The election is hereby affirmed without traverse. In view of the accompanying amendments, Applicants note that Group I now includes claims 2-41, and 43-66. The following pending claims read on the elected species: claims 2-4, 6-23, 25-32, 34, 36-39, 43, 45, 47-48, 50-53, 56-60, and 66.

Applicants respectfully submit that claims 47 and 48, which were withdrawn from further consideration by the Examiner, read on the elected subject matter and therefore should be rejoined and examined.

As acknowledged by the Examiner, upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 C.F.R. 1.141.

Applicants submit that upon allowance of the product claims of Group I, method claims containing all of the elements of the allowable product claims will be subject to rejoinder and examination for patentability according to the procedure set forth in M.P.E.P. § 821.04(b).

#### **Rejection under 35 U.S.C. 102(a)**

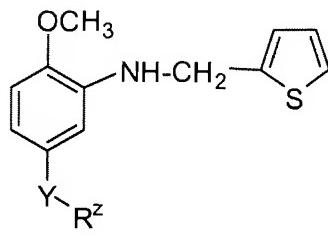
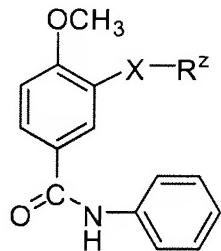
The rejection of claims 1-4, 6-23, 25-32, 34, 36-39, 42, 43, 45, 50-60, and 66 under 35 U.S.C. 102(a), as allegedly being anticipated by Hamilton, *et al.* (US 2003/00088882) is respectfully traversed. The rejection has been rendered moot with respect to claims 1 and 42, which have been cancelled. As amended, claims 2-4, 6-23, 25-32, 34, 36-39, 43, 45, 50-60, and 66 differ from the compounds described by Hamilton *et al.*, *inter alia* because Ar in the compounds of Formula I is a 6-member aryl, a 5-or 6-member heteroaryl, a 9-12 member bicyclic aryl or heterocyclyl, each substituted with one or more R.' This definition of Ar excludes all the terphenyl compounds of the Hamilton *et al.* reference.

Accordingly, reconsideration and withdrawal of the rejection of claims 2-4, 6-23, 25-32, 34, 36-39, 43, 45, 50-60, and 66 under 35 U.S.C. 102(a), as being anticipated by Hamilton *et al.* are respectfully requested.

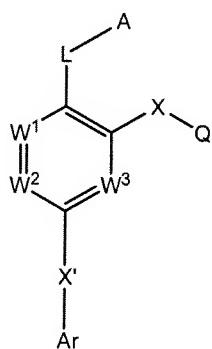
#### **Rejection under 35 U.S.C. 102(b)**

The rejection of claims 1, 2, 9-15, 17-20, 25, 36-39, 42, 43, 45, 50-55 and 66 under 35 U.S.C. 102(b), as allegedly being anticipated by Connor, *et al.* (WO 99/32433) is respectfully traversed. The rejection has been rendered moot with respect to claims 1 and 42, which have

been cancelled. In the Office Action, it is asserted that Formulas VII and VIII, which are Markush structures that each define a genus of compounds, anticipate the claimed compounds. However, the Examiner has not set forth any reasons for this assertion, and Applicants submit that it is unfounded because the cited Formulas differ from the claimed compounds. For example, Formulas VII and VIII both incorporate a CH<sub>3</sub>O group (see below).



To the extent that the Examiner is asserting that the CH<sub>3</sub>O group of Connor, *et al.* corresponds to the variables L-A in Formula I of claim 2, that assertion is misplaced.



Formula I

The definition of L-A in claim 2 clearly and specifically excludes CH<sub>3</sub>O.

Thus, Formulas VII and VIII fail to disclose each and every element of the present invention as defined, e.g., by claim 2. If the Examiner disagrees, the Examiner is respectfully requested to specifically point out how each feature of Formulas VII and VIII corresponds to an element of the claimed compound genus as defined, e.g., by claim 2.

Accordingly, reconsideration and withdrawal of the rejection of claims 2, 9-15, 17-20, 25, 36-39, 43, 45, 50-55 and 66 under 35 U.S.C. 102(b), as being anticipated by Conner *et al.* are respectfully requested.

## CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance. An early notice to that effect is earnestly solicited. Should any matters remain outstanding in view of the present amendment and remarks, the Examiner is encouraged to contact the undersigned at the address and telephone number listed below so that they may be resolved without the need for additional action and response thereto.

Respectfully submitted,

Date 03/30/2007

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